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10/648,618

08/27/2003

Gregg Lance Lehmberg

F6175(C)

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201 7590 10/07/2008  
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EXAMINER

WEIER, ANTHONY J

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GREGG LANCE LEHMBERG  
And  
LESLE JOHN HERZOG

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Application 10/648,618  
Technology Center 1700

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Mailed: October 7, 2008

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Before DALE M. SHAW *Chief Appeals Administrator*.

SHAW, *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on April 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy: Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and

Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

This Image File Wrapper (IFW) is not in compliance with the above because it does not appear to contain a certified English translation for the German patent to Daniel, DE 19919711, dated November 16, 2000, which was relied upon by the Examiner in his rejection of the claims.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) provide a certified English language translation for the German patent to Daniel, DE 19919711, dated November 16, 2000;
- 2) have a complete copy of the English language translation scanned into the IFW file and a copy of said translation furnished to appellants; and

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3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS:psb

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